

U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

MHN

| | |
|--|-------------------------------------|
| PLAINTIFF Dominick Giampaolo | COURT CASE NUMBER 07C7154 |
| DEFENDANT Terry McCann, et al. | TYPE OF PROCESS S/C |

SERVE**AT**NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
Mr. Phelps, Correctional Officer, Stateville Correctional Center

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

SCC, C/O K. Sandlin, Legal Dept. P.O. Box 112, Joliet, IL 60434

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Dominick Giampaolo, R-04860
Danville-DCR
3820 East Main Street
Danville, IL 61834

Number of process to be
served with this Form - 285**1**Number of parties to be
served in this case**16**Check for service
on U.S.A.**0**SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All
Telephone Numbers, and Estimated Times Available For Service):**FILED****4-2-2008****APR 02 2008 TG**

Fold

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Signature of Attorney or other Originator requesting service on behalf of:

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

DATE

02-19-08**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

| | | | | | | |
|---|-------------------------------|---|--|--|----|-------------------------|
| I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted) | Total Process 15/16 | District of Origin 24 No. _____ | District to Serve 24 No. _____ | Signature of Authorized USMS Deputy or Clerk | TD | Date 02-19-08 |
|---|-------------------------------|---|--|--|----|-------------------------|

I hereby certify and return that I ☐ have personally served, ☒ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described
on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and dis-
cretion then residing in the defendant's
usual place of abode.

Address (complete only if different than shown above)

**Received signed waiver from Mr.
Phelps**Date of Service
3/21/08 Time _____ am
pm

Signature of U.S. Marshal or Deputy

| | | | | | | |
|-------------------------|--|----------------------------|---------------------------|------------------------------|--|------------------------------|
| Service Fee 0 | Total Mileage Charges (including endeavors) 0 | Forwarding Fee 0 | Total Charges 0 | Advance Deposits 0 | Amount owed to U.S. Marshal or 0 | Amount of Refund 0 |
|-------------------------|--|----------------------------|---------------------------|------------------------------|--|------------------------------|

REMARKS:

UNITED STATES DISTRICT COURT

(DISTRICT)

Waiver of Service of Summons

TO: Dominick Giampaolo

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Correctional Officer Phleps

(DEFENDANT NAME)

acknowledge receipt of your request that I waive

service of summons in the action of Dominick Giampaolo vs. Terry McCann, et al.

(CAPTION OF ACTION)

which is case number 07C7154

(DOCKET NUMBER)

in the United States District Court for the

Northern District of Illinois

(DISTRICT)

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after February 19, 2008

(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

3/21/08

DATE

Charles Phelps

SIGNATURE

Printed/Typed Name: Charles Phelps

As

TITLE

of

CORPORATE DEFENDANT

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown to its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against the defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

| RETURN OF SERVICE | | |
|--|----------|---|
| Service of the Summons and Complaint was made by me: | | DATE <u>3/21/08</u> |
| NAME OF SERVER (Print) <u>Kathy Sardin</u> | | TITLE <u>lit. Coord.</u> |
| Check one box below to indicate appropriate method of service: | | |
| <input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>P.O. Box 112, Solist, AL</u> | | |
| <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____ | | |
| <input type="checkbox"/> Returned unexecuted: _____ | | |
| <input type="checkbox"/> Other (specify): _____ _____ _____ | | |
| STATEMENT OF SERVICE FEES | | |
| TRAVEL | SERVICES | TOTAL |
| | | |
| DECLARATION OF SERVER | | |
| <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> | | |
| Executed on <u>3/21/08</u> <div style="text-align: center;">Date</div> | | <u>Kathy Sardin</u> <div style="text-align: center;">Signature of Server</div> |
| | | <u>P.O. Box 112, Solist, AL</u> <div style="text-align: center;">Address of Server</div> |

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO440 (REV. 1/90) Summons in a Civil Action

United States District Court
Northern District of Illinois

SUMMONS IN A CIVIL ACTION

DOMINICK GIAMPAOLO,

Plaintiff

VS.

TERRY McCANN; LT. DOUGLAS; LT. NURSE;
OFFICER JOSEPH; OFFICER HOPKINS;
OFFICER EGBE; OFFICER HESTER;
LT. GARBY; LT. JACKSON; OFFICER
BUSH; LT. FRANKLIN; OFFICER HAWK;
MEDICAL TECHNICIAN WHITE;
MEDICAL TECHNICIAN BOB (LNU);
OFFICER PHELPS; LT. WRIGHT

Defendants.

CASE NUMBER: 07 cv 7154

ASSIGNED JUDGE: JOHN W. DARRAH

DESIGNATED MAGISTRATE JUDGE: COLE

TO: (Name and Address of Defendant(s))
Officer Phelps

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon pro se plaintiff:

Name Dominick Giampaolo (R-04860)
Address Danville - DCR
3820 East Main Street
Danville, IL 61834

an answer to the complaint which is herewith served upon you, within [20] days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

MICHAEL W. DOBBINS, CLERK

CYNTHIA D. YOUNG

Deputy Clerk

FEB 14 2008

Date